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# EXTRACTS FROM RULES OF THE HOUSE AND SENATE

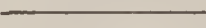
RELATING TO

THE POWERS AND DUTIES OF THE  
COMMITTEES ON APPROPRIATIONS

57  
1339

AND

CERTAIN LAWS CONCERNING APPROPRIATIONS,  
ESTIMATES, DEPARTMENTAL SERVICE, ETC.



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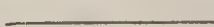
**JAMES C. COURTS**

*Clerk to the Committee on Appropriations  
House of Representatives*



MAY 1, 1911

JANUARY 1, 1916



19-26953



WASHINGTON  
GOVERNMENT PRINTING OFFICE

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### COMPILER'S NOTE.

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An edition, in pamphlet form, of certain rules of the House concerning the powers and duties of committees in the preparation of the general appropriation bills and their consideration in the House was first printed in 1885, and reprinted and amplified in 1911. The present edition is made still more comprehensive in an effort to more nearly gather in small compass and for ready reference the rules of the House and Senate directly bearing upon the powers and prerogatives of committees with reference to appropriation bills and their consideration, as well as the law of appropriations and estimates, together with certain statutes intimately bearing upon the departmental service and other purposes that are most frequently invoked in the work of Congress in enacting appropriation bills.

A manual of the rules and practice with reference to conferences and conference reports is also reproduced herein.

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FEB 21 1920





RULES OF THE HOUSE RELATING TO THE WORK OF THE COMMITTEE ON APPROPRIATIONS.

RULE X.

OF COMMITTEES.

There shall be elected by the House, at the commencement of each Congress, the following standing committees, viz:

\* \* \* \* \*

On Appropriations, to consist of 21 members.

\* \* \* \* \*

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating—

\* \* \* \* \*

3. To appropriation of the revenue for the support of the Government as herein provided, viz: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

\* \* \* \* \*

56. The following-named committees shall have leave to report at any time on the matters herein stated, viz:

\* \* \* \* \*

the committees having jurisdiction of appropriations, the general appropriation bills;

\* \* \* \* \*

RULE XIII.

CALENDARS AND REPORTS OF COMMITTEES.

1. There shall be three calendars to which all business reported from committees shall be referred, viz:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue,

general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

\* \* \* \* \*

## RULE XVI.

### ON MOTIONS, THEIR PRECEDENCE, ETC.

\* \* \* \* \*

4. \* \* \* After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

\* \* \* \* \*

9. At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

\* \* \* \* \*

## RULE XVII.

### PREVIOUS QUESTION.

1. \* \* \* It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

\* \* \* \* \*

## RULE XXI.

### ON BILLS.

\* \* \* \* \*

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of

money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

\* \* \* \* \*

### RULE XXIII.

#### OF COMMITTEES OF THE WHOLE HOUSE.

\* \* \* \* \*

2. Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

\* \* \* \* \*

### RULE XXVIII.

#### CONFERENCE REPORTS.

1. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

2. It shall not be in order to consider the report of a committee of conference until such report and the accompanying statement shall have been printed in the Record except on either of the six days preceding the end of a session.

*Note.—Conference committee's report:*

*Report received at any time except when the Journal is being read, when the roll is being called, or when the House is dividing. (V, 6443.)*

During the Sixty-first Congress Speaker Cannon gave recognition for the presentation and consideration of a conference report on a general appropriation bill, interrupting, in order to do so, a roll call at the end of its first call; after disposing of the conference report the roll call was resumed and concluded. (Cong. Record, Mar. 4, 1911, p. 4331, 61st Cong., 3d sess.)

*May be presented while a Member is on the floor in debate. (V, 6451.)*

*May be presented after a motion to adjourn has been made. (V. 6451–6453.)*

*Has been presented during time set apart by special order for consideration of another measure. (V, 6455.)*

*May recommend agreement as to some matters and inability to agree as to others. (V, 6461–6464.)*

*May not be amended or altered. (V, 6534, 6535.)*

*May not be laid on the table. (V, 6538–6544.)*

*May be recommitted if the other body, by action on their report, have not discharged their managers. (V, 6545–6550.)*

*May not be referred to Committee of the Whole. (V, 6559–6561.)*

*Request for conference must always come from the House possessed of the papers. (V, 6254.)*

*At the conclusion of an effective conference, after a vote of disagreement, the managers of the House which asked the conference leave the papers with the managers of the other House (V, 6254) for reporting first. (See also pages 39–55.)*

## RULE XLI.

### EXECUTIVE COMMUNICATIONS.

Estimates of appropriations and all other communications from the executive departments intended for the consideration of any committees of the House shall be addressed to the Speaker and by him referred as provided by clause 2 of Rule XXIV.

RULES OF THE SENATE RELATING TO THE WORK OF THE  
COMMITTEE ON APPROPRIATIONS.

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RULE XXVI.

1. The following committees shall be appointed at the commencement of each Congress with leave to report by bill or otherwise:

\* \* \* \* \*

A Committee on Appropriations to consist of 17 Senators.

*Note.*—By a resolution of the Senate, adopted December 13, 1915, 20 Senators are named as constituting the Committee on Appropriations during the Sixty-fourth Congress.

\* \* \* \* \*

RULE XVI.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; the agricultural bill, to the Committee on Agriculture and Forestry; the Army and the Military Academy bills, to the Committee on Military Affairs; the Indian bill, to the Committee on Indian Affairs; the naval bill, to the Committee on Naval Affairs; the pension bill, to the Committee on Pensions; the Post Office bill, to the Committee on Post Offices and Post Roads; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and

when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner amendments proposing new items of appropriation to river and harbor bills, shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post roads, proposing new post roads, shall, before being considered, be referred to the Committee on Post Offices and Post Roads.

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

### RULE IX.

Motion to proceed to consideration of appropriation bill, privileged.

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

\* \* \* \* \*

### RULE XXVII.

Conference reports.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate. (See also pages 39-55.)

## CERTAIN LAWS CONCERNING APPROPRIATIONS, ESTIMATES, DEPARTMENTAL SERVICE, ETC.

### APPROPRIATIONS.

#### Constitutional provisions.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time (Constitution, Art. I, sec. 9, par. 158).

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills (Constitution, Art. I, sec. 7, par. 99). (See also Hinds' Precedents, Vol. II, secs. 1480-1501, inc., and S. Doc. No. 872, 62d Cong., an article by Hon. John Sharp Williams, concerning the constitutional power of the House of Representatives to originate the supply bills.)

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years (Art. I, sec. 8, par. 133). (See also Hinds' Precedents, Vol. IV, secs. 3572, 3716.)

#### Application of appropriations.

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others. (R. S., sec. 3678.)

#### Appropriations must be made in specific terms.

Hereafter no act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such act shall in specific terms declare an appropriation to be made for the purpose or purposes specified in the act. (July 1, 1902, Stat. L., vol. 32, p. 560.)

#### Correct footings determine actual appropriations.

That hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (May 28, 1896, Stat. L., vol. 29, p. 148.)

#### Reappropriation and diversion of unexpended balances to be accounted new appropriations.

That the reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted hereafter as a new

appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted. (Mar. 4, 1915, Stat. L., vol. 38, p. 1161.)

**Appropriations available only for service of fiscal year for which made.**

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. (R. S., sec. 3690.)

**Appropriations made or contracts authorized must be in specific terms.**

No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed. (June 30, 1906, Stat. L., vol. 34, p. 764, sec. 9.)

**Appropriations to be construed as made only for one year.**

No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June 20, 1874, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision. (Aug. 24, 1912, Stat. L., vol. 37, p. 487, sec. 7.)

**Balances of appropriations to lapse after two years (covering-in act).**

All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund war-



rant, whether the head of the proper department shall have certified that it may be carried into the General Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated. (R. S., sec. 3691.)

That from and after the 1st day of July, 1874, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress. \* \* \*

\* \* \* *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act [and the Secretary of the Treasury shall, at the beginning of each session, report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by this section that may need to be reappropriated]. (June 20, 1874, Stat. L., vol. 18, p. 110, sec. 5.)

#### Audited claims under exhausted or lapsed appropriations.

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (June 14, 1878, Stat. L., vol. 20, p. 130, sec. 5.)

That the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part, to the Speaker of

the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration. (July 7, 1884, Stat. L., vol. 23, p. 254, sec. 2.)

**Contracts for public buildings or any public improvement not to exceed appropriations therefor.**

Every officer of the Government who knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purposes, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of \$2,000. (R. S., sec. 5503.)

No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement, which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. (R. S., sec. 3733.)

*Note.—It is customary in acts authorizing construction of public buildings and improvement of certain rivers and harbors to provide that contracts may be entered into within the limit of cost prescribed for each building or river and harbor work.*

**Public building appropriations immediately available.**

All appropriations for public buildings under the control of the Treasury Department shall be available immediately upon the approval of the act containing such appropriations. (R. S., sec. 3684.)

**Authority to erect not to imply appropriation for public building.**

That no act passed authorizing the Secretary of the Treasury to purchase a site and erect a public building thereon shall be held or construed to appropriate money unless the act in express language makes such appropriations. (Aug. 7, 1882, Stat. L., vol. 22, p. 305.)

**Army and Navy appropriations, certain may be exceeded.**

No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Department, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. (R. S., sec. 3732.)

**Deficiencies in appropriations prohibited—Voluntary services forbidden.**

No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such

contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than \$100 or by imprisonment for not less than one month. (Feb. 27, 1906, Stat. L., vol. 34, p. 49, sec. 3.)

The provisions of section 3679 of the Revised Statutes of the United States, as amended by section 3 of the urgent deficiency appropriation act approved February 27, 1906 (Stat. L., vol. 34, p. 49), known as the antideficiency act, are hereby extended and made applicable in all respects to appropriations made for and expenditures of and to all of the officers and employees of the Government of the District of Columbia. (June 26, 1912, Stat. L., vol. 37, p. 184, sec. 9.)

Commissions, councils, boards, etc., specific appropriations for expenses required.

No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to

pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President. (R. S., sec. 3681.)

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law: nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 9.)

#### Statement of appropriations, new offices, etc.

The Secretary of the Senate and the Clerk of the House of Representatives shall, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices the salaries attached to which are increased and the amount of such increase. (R. S., sec. 64; Stat. L., vol. 5, p. 117, July 4, 1836.)

That hereafter the statement of all appropriations made during each session of Congress, including new offices created and the salaries of each and salaries of the offices which are increased and the amounts of such increase authorized by the act of July 4, 1836, shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall hereafter show also the offices the salaries of which are reduced or omitted, and the amount of such reduction, and shall also contain a chronological history of the regular appropriation bills passed during the session for which it is prepared. (Stat. L., vol. 25, p. 587, Oct. 19, 1888.)

And said statements shall hereafter indicate the amount of contracts authorized by appropriation acts in addition to appropriations made therein, and shall also contain the specific reference to all indefinite appropriations made each session. (Stat. L., vol. 30, p. 136, July 19, 1897.)

#### ESTIMATES.

Estimates to be submitted through the Treasury.

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be in-

cluded in the Book of Estimates prepared under his direction. (R. S., sec. 3669.)

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of [warrants, estimates, and appropriations] (*bookkeeping and warrants*) of his department. (July 7, 1884, Stat. L., vol. 23, p. 254, sec. 2.)

Time within which annual estimates shall be submitted to the Treasury.

That hereafter it shall be the duty of the heads of the several executive departments, and of such other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 15th day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the 1st day of November of each year, estimates for such appropriations as, in his judgment, shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress. (Mar. 3, 1901, Stat. L., vol. 31, p. 1009, sec. 5.)

Order and arrangement of estimates prescribed.

Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department, may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding. (June 22, 1906, Stat. L., vol. 34, p. 448, sec. 4.)

District of Columbia estimates of appropriations for, order and arrangement of.

That hereafter the estimates for expenses of the government of the District of Columbia shall be prepared and submitted each year according to the order and arrangement of the appropriation act for

the year preceding, and any changes in such order and arrangement and transfers of salaries from one officer or department to another desired by the commissioners may be submitted by note in the estimates. (July 1, 1902, Stat. L., vol. 32, p. 616, sec. 4.)

Secretary of the Treasury may rearrange estimates.

When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section 4 of the legislative, executive, and judicial appropriation act, approved June 22, 1906, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law. (Mar. 4, 1909, Stat. L., vol. 35, p. 907, sec. 4.)

Estimates, preparation and submission of regular annual.

That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time. (Aug. 23, 1912, Stat. L., vol. 37, p. 415, sec. 9.)

Supplemental estimates, necessity and reasons for, to be stated.

Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates. (June 22, 1906, Stat. L., vol. 34, p. 448, sec. 4.)

Lump-sum estimates, statement of details of estimates and expenditures—  
Explanatory notes in estimates forbidden.

That section 6 of the sundry civil appropriation act approved August 24, 1912, is amended to read as follows:

“SEC. 6. That there shall be submitted hereafter, in the annual Book of Estimates following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

“First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures

specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

“Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

“Other notes shall not be submitted following any estimate embraced in the annual Book of Estimates other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes.” (Aug. 1, 1914, Stat. L., vol. 38, p. 680, sec. 10.)

**Panama Canal estimates for construction, maintenance, operation, civil government, and sanitation, submission of.**

That for the fiscal year 1916 and annually thereafter the estimates of appropriations for the Panama Canal shall be submitted in detail, showing the amounts required for personal services and the amounts required for material including all supplies, under the heads of construction, maintenance, operation, sanitation, and civil government, and following each there shall be submitted notes giving in parallel columns information which will show the number, by grade or classes, of officers, employees, and skilled and unskilled laborers proposed to be paid under each of said appropriations for the ensuing fiscal year and those paid at the close of the fiscal year next preceding the period when said estimates are prepared and submitted; also, in connection with each item for material and miscellaneous purposes other than salaries or pay for personal services, the amounts actually expended or obligated, quantities purchased, and prices paid for material or supplies during the entire fiscal year next preceding the preparation and submission of said estimates.

There shall also be submitted in connection with the foregoing information statements of actual unit cost of all construction work done and of estimated unit cost of work proposed to be done for the fiscal years included in the notes so required to be submitted with the annual estimates. (Aug. 1, 1914, Stat. L., vol. 38, p. 679, sec. 6.)

**Sources and other elements of estimates to be stated.**

The heads of departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed

upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are respectively authorized, specifying the date of each, and the volume and page of the Statutes at Large or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found. (R. S., sec. 3660.)

#### Estimates for salaries.

All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution. (R. S., sec. 3662.)

#### Explanation of estimates to be submitted.

Whenever the head of a department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added. (R. S., sec. 3664.)

NOTE.—Superseded by act of August 1, 1914. (See p. 16.)

#### Statement of previous appropriations to be submitted with estimates.

The head of each department, in submitting to Congress his estimates of expenditures required in his department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure. (R. S., sec. 3665.)

The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service a statement of the appropriations for the service of the year which may have been made by former acts. (R. S., sec. 3670.)

#### Detailed estimates for customs service.

And it shall be the duty of the Secretary of the Treasury to include in his next estimates to Congress, and annually thereafter, a statement specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent



expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for. (Aug. 5, 1882, Stat. L., vol. 22, p. 256, sec. 5.)

District of Columbia estimates, limit on account of.

Hereafter the Commissioners of the District of Columbia shall not submit, nor shall the Secretary of the Treasury transmit, to Congress regular annual estimates for expenses of the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year. Said estimates shall take into consideration and embrace all charges against the said revenues arising under appropriations other than the regular District of Columbia bill. Such annual estimates shall not be published in advance of their submission to Congress at the beginning of each regular session thereof. (Mar. 3, 1909, Stat. L., vol. 35, p. 728, sec. 7.)

Military barracks, estimates for, and limit on cost of.

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed \$20,000, shall be erected unless by special authority of Congress. (R. S., sec. 1136.)

Fortifications, estimates of cost for construction of.

Hereafter estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications, until after plans and estimates of cost shall have been prepared therefor. (Feb. 13, 1913, Stat. L., vol. 37, p. 671.)

Executive departments, officials in, to supervise preparation of estimates.

That hereafter the head of each executive department and other Government establishment shall, on or before July 1 in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress; they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in

expressing purposes or conditions of appropriations. (June 23, 1913. Stat. L., vol. 38, p. 75, sec. 3.)

President to consider relation of estimates to revenues.

Inmediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 7.)

#### DEPARTMENTAL SERVICE.

[COMPILER'S NOTE.—The term "Executive Department" has been defined by the Attorney General in several opinions. See Opinions of the Attorney General, vol. 22, p. 62, and vol. 26, p. 209.]

Clerks and others in executive departments, rates of pay of.

The annual salaries of clerks and employees in the departments, whose compensation is not otherwise prescribed, shall be as follows:

First. To clerks of the fourth class, \$1,800.

Second. To clerks of the third class, \$1,600.

Third. To clerks of the second class, \$1,400.

Fourth. To clerks of the first class, \$1,200.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, \$900.

Sixth. To messengers, \$840.

Seventh. To assistant messengers, \$720.

Eighth. To laborers, \$720.

*Note.*—Since the fiscal year 1879 only \$660 have been appropriated as the annual compensation of laborers.

Ninth. To watchmen, \$720. (R. S., sec. 167.)

*Note.*—*For rates of compensation of certain others employed in the executive departments as fixed in the Legislative, etc., appropriation laws from year to year see following:*

The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each; assistant telephone-switchboard operators at the rate of six hundred dollars each; and for charwomen, at the rate of two hundred and forty dollars per annum each. (Mar. 4, 1915, Stat. L., vol. 38, p. 1049, sec. 2.)

Authority to employ clerks and others.

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by the law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year. (R. S., sec. 169.)

Agricultural Department officers and employees, rates of pay made permanent law.

And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified. (Mar. 4, 1913, Stat. L., vol. 37, p. 854.)

Departmental offices, certain, established and rates of pay made permanent law.

That all laws or parts of laws to the extent they are inconsistent with rates of salaries or compensation appropriated by this act are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officers or employees, respectively, until otherwise fixed by annual rate of appropriation or other law. (Legislative, Etc., Appropriation Act, July 16, 1914, Stat. L., vol. 38, p. 509, sec. 6.)

The officers and employees of the United States whose salaries are herein appropriated for are established and shall continue from year to year to the extent they shall be appropriated for by Congress. (Legislative, Etc., Appropriation Act, Mar. 4, 1915, Stat. L., vol. 38, p. 1049, sec. 6.)

Executive departments, employments in, payable from general appropriations—Details from outside of Washington prohibited.

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the 1st day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of Government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draftsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury:

\* \* \* \* \*

(Aug. 5, 1882, Stat. L., vol. 22, p. 255, sec. 4.)

That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year. (Aug. 23, 1912, Stat. L., vol. 37, p. 414, sec. 5.)

State Department, employments in.

That hereafter there shall not be employed in the Department of State or in connection with said department in the District of Co-

lumbia any personal services other than those which shall be specifically authorized or appropriated for. (June 22, 1906, Stat. L., vol. 34, p. 402.)

Civilian employees, Military or Naval Establishment, not to be detailed to executive departments.

Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the Military or Naval Establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices. (June 22, 1906, Stat. L., vol. 34, p. 449, sec. 6.)

Appropriations for "new ships," employments from, prohibited in Washington, D. C.

On and after July 1, 1904, it shall not be lawful for the Secretary of the Navy to employ in the Navy Department at Washington, D. C., and pay out of appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as herein or as may hereafter be specifically authorized. (Mar. 18, 1904, Stat. L., vol. 33, p. 117.)

Naval appropriations not to be used for Navy Department.

*Note.*—*The following limitations are carried in the last naval appropriation act and in several prior similar acts:*

No part of any appropriations made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus, as herein expressly authorized. (Mar. 4, 1915, Stat. L., vol. 38, p. 1029.)

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington, D. C., unless specific authority is given by law for such expenditure. (Mar. 3, 1915, Stat. L., vol. 38, p. 953.)

Details from Postal Service prohibited.

Hereafter it shall not be lawful to detail clerks or other employees, paid from general appropriations for the Postal Service, from any branch of said Postal Service, whether located at the seat of government or elsewhere, to any of the offices or bureaus of the Post Office Department at Washington. (Mar. 15, 1898, Stat. L., vol. 30, p. 317, sec. 9.)

Postal appropriations not to be used for Post Office Department.

*Note.*—*The following limitation is carried in the last Post Office Appropriation act and in several prior similar acts:*

Appropriations made for the service of the Post Office Department in conformity with the act of July 2, 1836, shall not be expended for any of the purposes herein provided for on account of the Post Office Department at Washington, D. C. (Mar. 4, 1915, Stat. L., vol. 38, p. 1038.)

Executive departments, employees in—Hours of labor, annual leave, sick leave, and holidays.

That section 5 of the act making appropriations for legislative, executive, and judicial expenses, approved March 3, 1893, is hereby amended to read as follows:

“ Hereafter it shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively: but in case of an extension it shall be without additional compensation: *Provided, further*, That the head of any department may grant 30 days’ annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to 30 days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the department, with pay, not exceeding 30 days in any one case or in any one calendar year.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.” (Mar. 15, 1898, Stat. L., vol. 30, p. 316, sec. 7.)

Nothing contained in section 7 of the act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year 1899, approved March 15, 1898, shall be construed to prevent the head of any executive department from granting

30 days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding 30 days' leave with pay on account of sickness as provided in said section 7. (July 7, 1898, Stat. L., vol. 30, p. 967.)

That the 30 days' annual leave of absence with pay in any one year to clerks and employees in the several executive departments authorized by existing law shall be exclusive of Sundays and legal holidays. (Feb. 24, 1899, Stat. L., vol. 30, p. 890, sec. 4.)

The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments and public-school officers, teachers, and employees. (Mar. 2, 1911, Stat. L., vol. 36, p. 967.)

Business conditions and details of employees in executive departments and establishments, reports concerning, required.

It shall be the duty of the head of each executive department or other Government establishment in the city of Washington to submit to the first regular session of the Fifty-fourth Congress, and annually thereafter, in the annual Book of Estimates, a statement as to the condition of business in his department or other Government establishment, showing whether any part of the same is in arrears, and, if so, in what divisions of the respective bureaus and offices of his department or other Government establishment such arrears exist, the extent thereof, and the reasons therefor, and also a statement of the number and compensation of employees appropriated for in one bureau or office who have been detailed to another bureau or office for a period exceeding one year. (Mar. 2, 1895, Stat. L., vol. 28, p. 808, sec. 7.)

Hereafter it shall be the duty of the head of each executive department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his department at Washington, and in each case where such reports disclose that the public business is in arrears the head of the department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business. (Mar. 15, 1898, Stat. L., vol. 30, p. 316, sec. 7.)

Hereafter it shall be the duty of the head of each executive department, or other Government establishment at the seat of government, not under an executive department, to make at the expiration of each quarter of the fiscal year a written report to the President as

to the condition of the public business in his executive department or Government establishment, and whether any branch thereof is in arrears. (Mar. 15, 1898, Stat. L., vol. 30, p. 316, sec. 7.)

**Detail of clerks and other employees, from one office to another.**

Section 166 of the Revised Statutes is amended to read as follows:

“SEC. 166. Each head of a department may, from time to time, alter the distribution among the various bureaus and offices of his department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding 120 days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding 120 days. All details heretofore made are hereby revoked, but may be renewed as provided herein.” (May 28, 1896, Stat. L., vol. 29, p. 179, sec. 3.)

**Transfer of employees from one department to another.**

It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the executive departments to be transferred from one department to another department until such clerk or other employee shall have served for a term of three years in the department from which he desires to be transferred. (June 22, 1906, Stat. L., vol. 34, p. 449, sec. 5.)

**Efficiency ratings of civil-service employees, system of.**

The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said



department is rated good shall be discharged or dropped, or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year. (Aug. 23, 1912, Stat. L., vol. 37, p. 413, sec. 4.)

#### Incapacitated employees in departments.

*Note.*—*The following limitation as to incapacitated employees is carried in the last legislative, executive, and judicial appropriation act and in several prior similar acts:*

That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service. (Mar. 4, 1915, Stat. L., vol. 38, p. 1049, sec. 3.)

#### Inefficient employees, report required concerning.

That hereafter it shall be the duty of the heads of the several executive departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency. (July 11, 1890, Stat. L., vol. 26, p. 268, sec. 2.)

#### Traveling expenses of officials.

It shall be the duty of the head of each executive department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of such executive department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case. (May 22, 1908, Stat. L., vol. 35, p. 244, sec. 4.)

#### Executive departments, time-recording clocks.

That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the executive departments at Washington, D. C., except from moneys specifically appropriated therefor. (July 7, 1898, Stat. L., vol. 30, p. 655.)

Books, law and reference, and periodicals, specific authority required for purchase of, for executive departments.

That hereafter law books, books of reference, and periodicals for use of any executive department, or other Government establishment not under an executive department, at the seat of government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation. (Mar. 15, 1898, Stat. L., vol. 30, p. 316, sec. 3.)

Subscriptions to periodicals, payment in advance for.

That hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, may be paid in advance from appropriations available therefor. (Mar. 4, 1915, Stat. L., vol. 38, p. 1049, sec. 5.)

Contingent funds, salaries not to be paid from.

No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S., sec. 3682.)

Contingent funds, restrictions as to use of.

No part of the contingent fund appropriated to any department, bureau, or office shall be applied to the purchase of any articles except such as the head of the department shall deem necessary and proper to carry on the business of the department, bureau, or office, and shall, by written order, direct to be procured. (R. S., sec. 3683.)

*Note.*—Detailed statements of expenditures from contingent funds are required to be made to Congress annually.

Contingent funds of departments, apportionment of and restrictions on.

That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such

department or of its offices or bureaus. (Aug. 23, 1912, Stat. L., vol. 37, p. 414, sec. 6.)

**Government vehicles, use of, for private purposes forbidden.**

No part of any money appropriated by this or any other act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the executive departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the executive departments or other Government establishments at Washington, D. C., unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used. (Feb. 3, 1905, Stat. L., vol. 33, p. 687, sec. 4.)

**Motor-propelled or horse-drawn passenger-carrying vehicles, purchase, maintenance, repair, and operation of, to be specifically authorized.**

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used. (July 16, 1914, Stat. L., vol. 38, p. 508, sec. 5.)

#### MISCELLANEOUS.

**Senators and Representatives.**

Clerk hire:

Senators (who are not chairmen of committees) have the following employees by annual appropriations: A clerk, at \$2,000; assistant clerk, \$1,200; messenger, \$1,200.

## Senators and Representatives—Continued.

## Clerk hire—Continued.

Representatives, Delegates, and Commissioners, annual appropriation of \$1,500 to each for clerk hire. (Mar. 3, 1893, Stat. L., vol. 27, p. 757; H. Res. of May 8, 1896; act July 7, 1898, vol. 30, p. 687.)

## Compensation:

Fixed at \$7,500 per annum. (Feb. 26, 1907, Stat. L., vol. 34, p. 993, sec. 4.)

## Unexpired terms—

Senators begin from appointment or election. (July 31, 1894, Stat. L., vol. 28, p. 162.)

Representatives date from election. (July 16, 1914, Stat. L., vol. 38, p. 458.)

## Mileage:

Senators, Representatives, and Delegates receive 20 cents a mile in going to and returning from each regular session. (July 28, 1866, Stat. L., vol. 14, p. 323, and Comp. Dec., July 22, 1893.)

Delegate from Hawaii, mileage as above.

Delegate from Alaska, \$1,500 per annum. (Stat. L., vol. 34, p. 170.)

Commissioner from Porto Rico, actual expenses once annually. (Stat. L., vol. 32, p. 732.)

Commissioners from Philippine Islands, \$2,000 annually to cover all expenses. (Stat. L., vol. 32, p. 694.)

## Oaths:

Any Member of either House may administer. (Stat. L., vol. 23, p. 60.)

## Stationery:

Representatives and Senators, not exceeding \$125 for any one session. (Stat. L., vol. 15, p. 35.)

## Public debt, sinking-fund provisions.

The coin paid for duties on imported goods shall be set apart as a special fund and shall be applied as follows:

\* \* \* \* \*

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct. \* \* \* (R. S., secs. 3689, 3694.)

In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest

on all bonds belonging to the sinking fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt. (R. S., secs. 3688, 3696.)

That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled. (Mar. 3, 1881, Stat. L., vol. 21, p. 457, sec. 2.)

Court of Claims judgments, certification of and interest on.

That hereafter it shall be the duty of the Secretary of the Treasury to certify to Congress for appropriation only such judgments of the Court of Claims as are not to be appealed, or such appealed cases as shall have been decided by the Supreme Court to be due and payable. And on judgments in favor of claimants which have been appealed by the United States and affirmed by the Supreme Court, interest at the rate of four per centum per annum shall be allowed and paid from the date of filing the transcript of judgment in the Treasury Department up to and including the date of the mandate of affirmance by the Supreme Court: *Provided*, That in no case shall interest be allowed after the term of the Supreme Court at which said judgment was affirmed. (Sept. 30, 1890, Stat. L., vol. 26, p. 537.)

United States court judgments, interest on.

\* \* \* From the date of such final judgment or decree interest shall be computed thereon at the rate of 4 per cent per annum, until the time when an appropriation is made for the payment of the judgment or decree. (Mar. 3, 1887, Stat. L., vol. 24, p. 507, sec. 10.)

Judgments against United States, Secretary of Treasury to transmit to Congress.

That hereafter estimates for the payment of all judgments against the United States, including judgments in Indian depredation claims and of United States courts, shall be transmitted to Congress through the Treasury Department as other estimates of appropriations are required to be transmitted. (Apr. 27, 1904, Stat. L., vol. 33, p. 422.)

Naval vessels, claims for damages in collision cases.

The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment

as legal claims out of appropriations that may be made by Congress therefor. (June 24, 1910, Stat. L., vol. 36, p. 607.)

**Rivers and harbors vessels, claims for damages in collision cases.**

That whenever any vessel belonging to or employed by the United States engaged upon river and harbor work collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, the Chief of Engineers shall cause an immediate and thorough examination to be made, and, if in his judgment, the facts and circumstances of the collision are such as to make the whole or any part of the damage inflicted a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages caused by such collision in cases where the claim for damages does not exceed \$500, and report the same to Congress for consideration. (June 25, 1910, Stat. L., vol. 36, p. 676, sec. 4.)

**Lighthouse vessels, claims for damages in collision cases.**

The Commissioner of Lighthouses shall make an annual report to the Secretary of Commerce and Labor, who shall transmit the same to Congress at the beginning of each regular session thereof; and such commissioner, subject to the approval of the Secretary of Commerce and Labor, is hereby authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collisions, for which collisions vessels of the Lighthouse Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment, as legal claims out of appropriations that may be made by Congress therefor. (June 17, 1910, Stat. L., vol. 36, p. 537, sec. 4.)

**Army, claims for damages to private property on account of.**

That hereafter the Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of \$1,000, occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (Aug. 24, 1912, Stat. L., vol. 37, p. 586.)

**Fiscal year described.**

That section 237 of the Revised Statutes is hereby amended so as to read as follows:

“SEC. 237. That the fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates, shall commence on the 1st day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established. The fiscal year for the adjustment of the accounts of Secretary of the Senate for compensation and traveling expenses of Senators, and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates shall extend to and include the 3d day of July.” (Oct. 1, 1890, Stat. L., vol. 26, p. 646, sec. 9.)

Revenue and expenditures, estimates of, to be made annually by the Secretary of Treasury.

The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year. (Feb. 26, 1907, Stat. L., vol. 34, p. 949.)

That hereafter the Secretary of the Treasury shall include in his annual report, in the statements of actual and estimated receipts and expenditures of the Government, the revenues from and expenditures on account of the Postal Service. (Sept. 30, 1890, Stat. L., vol. 26, p. 511.)

**Combined statement of receipts and disbursements.**

It shall be the duty of the Secretary of the Treasury annually to lay before Congress, on the first day of the regular session thereof, an accurate, combined statement of the receipts and expenditures during the last preceding fiscal year of all public moneys, including those of the Post Office Department, designating the amount of the receipts, whenever practicable, by ports, districts, and States, and the expenditures, by each separate head of appropriation. (July 31, 1894, Stat. L., vol. 28, p. 210, sec. 15.)

Postal revenue and expenditures, estimates of, to be made annually by the Postmaster General.

The Postmaster General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the Postal Service for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year. (Mar. 2, 1907, Stat. L., vol. 34, p. 1217.)

Subsistence, expenses of officers and employees fixed.

On and after July 1, 1914, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. (Apr. 6, 1914, Stat. L., vol. 38, p. 316.)

Per diems in lieu of subsistence expenses, rates of, estimates to be specific.

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year 1916 and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances. (Aug. 1, 1914, Stat. L., vol. 38, p. 680.)

Civil pension rolls prohibited.

The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the public service from the existing laws respecting employment in such service, is hereby prohibited. (Feb. 24, 1899, Stat. L., vol. 30, p. 890, sec. 4.)

Two offices, holding of.

No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter authorized thereto by law, but this shall not apply to retired officers of the Army or Navy whenever they



may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. (July 31, 1894, Stat. L., vol. 28, p. 205, sec. 2.)

**Methods of computation for annual or monthly pay.**

Hereafter, where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into 12 equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of 30 days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had 30 days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (June 30, 1906, Stat. L., vol 34, p. 763, sec. 6.)

**Administrative audit of accounts.**

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared, and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States. (Aug. 23, 1912, Stat. L., vol. 37, p. 375.)

**Rent of buildings in District of Columbia, specific authority required.**

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government

in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building. (Mar. 3, 1877, Stat. L., vol. 19, p. 370.)

Rent of storage space for executive departments authorized.

The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments. (Mar. 2, 1913, Stat. L., vol. 37, p. 718.)

Employees in civil service, removal of, only to promote efficiency—Right to petition Congress not to be denied—Postal employees, membership in societies for improving conditions, etc., not prohibited.

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: *Provided, however,* That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either

individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with. (Aug. 24, 1912, Stat. L., vol. 37, p. 555, sec. 6.)

“Acting” officials, additional pay prohibited.

That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employment. (Aug. 1, 1914, Stat. L., vol. 38, p. 680, sec. 12.)

Lump-sum appropriations, increases in salaries from, forbidden.

That section 7 of the general deficiency appropriation act approved August 26, 1912 (Stat. L., vol. 37, p. 626), is amended to read as follows:

“SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government.” (Mar. 4, 1913, Stat. L., vol. 37, p. 790, sec. 4.)

That hereafter section 7 of the act approved August 26, 1912 (37 Stats., p. 626), and any amendments thereto, shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. (Mar. 4, 1913, Stat. L., vol. 37, p. 854.)

Membership fees and dues in societies or associations prohibited.

No money appropriated by this or any other act shall be extended for membership fees or dues of any officer or employee of the United

States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. (June 26, 1912, Stat. L., vol. 37, p. 184, sec. 8.)

*Note.*—*The foregoing provision, except that portion relating to payment of dues or fees, was suspended from operation during the fiscal years 1913 and 1914 by the acts of August 24, 1912 (37 Stat., p. 488), and June 23, 1913 (38 Stat., p. 75), respectively, and suspended from operation in the Department of Agriculture by the provision which follows:*

That nothing contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law. (Mar. 4, 1913, Stat. L., vol. 37, p. 854.)

**Accountants or other experts, employment of.**

That no part of any money appropriated in this or any other act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such services or payment of such expenses is stated in specific terms in the act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed. (Apr. 6, 1914, Stat. L., vol. 38, p. 335, sec. 5.)

**Publicity experts, employment of, prohibited.**

No money appropriated by this or any other act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. (Oct. 22, 1913, Stat. L., vol. 38, p. 212.)

**Telephones in private residences at public expense forbidden.**

That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or

private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed. (Aug. 23, 1912, Stat. L., vol. 37, p. 414, sec. 7.)

**Seacoast Artillery, barracks and quarters for, limit of cost on.**

That for the erection of barracks and quarters for Artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than \$1,200 per man for each man required for one relief to man the guns at the post up to 83 men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number \$600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure. (June 6, 1900, Stat. L., vol. 31, p. 624.)

**Military posts, limit on cost of officers' quarters at.**

That hereafter no money appropriated for military posts shall be expended for the construction of quarters for officers of the Army or for barracks and quarters for the Artillery the total cost of which, including the heating and plumbing apparatus, wiring, and fixtures, shall exceed, in the case of quarters of a general officer, the sum of \$15,000; of a colonel or an officer above the rank of captain, \$12,000; and of an officer of and below the rank of captain, \$9,000. (June 25, 1910, Stat. L., vol. 36, p. 721.)



## CONFERENCE MANUAL.

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### COMPILER'S NOTE.

*The following Manual of the Law and Practice In Regard to Conferences and Conference Reports, prepared by Thomas P. Cleavis, clerk to the Committee on Appropriations of the Senate, under a resolution of the Senate of July 6, 1900, is reprinted with citations therein to parliamentary precedents of the House of Representatives, by Asher C. Hinds, corrected to conform to the latest edition (1907) of that work, and the addition, in italicized type and in parentheses marks ( ), of certain references not available at the time the Manual was first published.*

[Senate Report No. 1545, Fifty-seventh Congress, first session.]

### CONFERENCES AND CONFERENCE REPORTS.

May 15, 1902. Ordered to be printed. Mr. Allison, from the Committee on Appropriations, submitted the following report. (To accompany S. Res. of June 6, 1900.)

The Committee on Appropriations, having had under consideration the resolution introduced by Mr. Hoar and passed June 6, 1900, namely:

“*Resolved*, That the Committee on Appropriations cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports,”

presents report thereon, submitting statement and manual prepared by Thomas P. Cleaves, clerk to the committee, at its request.

### STATEMENT BY MR. CLEAVES.

In the consideration of the subject matter of the resolution of the Senate, with the view to enable the committee to comply with its requirements, to “cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports,” examination has been made of all the works on parliamentary law and practice published by authority of Congress or either House, among them being Jefferson’s Manual of Parliamentary Practice; The Rules and Manual of the Senate; The Rules and Digest and Manual of the Rules and Practice of the House of Representa-

tives; Precedents Relating to the Privileges of the Senate, by George P. Furber, 1893 (S. Misc. Doc. No. 68, 52d Cong., 2d sess.): Digest of Decisions and Precedents of the Senate and House of Representatives, by Henry H. Smith, 1894 (S. Misc. Doc. No. 278, 53d Cong., 2d sess.); and Parliamentary Precedents of the House of Representatives, by Asher C. Hinds [1898 (H. Doc. No. 576, 55th Cong., 2d sess.).] (1907).

An advance copy of a work compiled by Charles W. Johnson, a former Chief Clerk of the Senate, and purchased by Congress, but not yet ordered to be printed, entitled Decisions on Points of Order and Phraseology in the United States Senate and House of Representatives, 1789–1898, has also been consulted, as well as the unofficial publication entitled A Manual of General Parliamentary Law (1898), by Thomas B. Reed, Speaker of the House of Representatives, and Cushing's Manual.

Jefferson's Manual, in Section XLVI, lays down the parliamentary law in respect to conferences founded mainly upon the practice of the Parliament of England, where our parliamentary law had its origin. This is the earliest exposition and statement of principles and rules upon this subject for the information and guidance of American legislators, and as the Manual is recognized by Congress as an authority on parliamentary law and practice to the extent that its rules govern the respective Houses where applicable and not inconsistent with their own rules and orders, the section referred to is recited at length as Rule I in the Manual herewith submitted.

The only reference to conferences or conference reports found in the Rules of the Senate is Rule XXVII, under the head of Reports of Conference Committees, as follows:

“The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.”

(See note, p. 6.)

And the only references in the Rules of the House are Rule X, clause 2, providing that the Speaker shall appoint conference committees ordered by the House from time to time, and Rule XXIX, under the head of Conference Reports, as follows:

“The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition; and there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.”



(See note, p. 6.)

No code of joint rules of the Senate and House has been in force since the Forty-third Congress, and the only provision in those of that Congress relating to conferences was Rule I, as follows:

“In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour to be agreed upon by their chairmen, meet in the conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.”

The foregoing Senate and House rules, and also the old joint rule—although the latter is not now in force as such, but is followed in practice—are set forth in full as showing all the specific rules that Congress, or either House, has deemed it necessary to adopt respecting conferences and conference reports.

The compilation of Mr. Furber (*Precedents Relating to the Privileges of the Senate*) includes nothing on this subject except the report of the committee of the Senate to confer with a committee of the House and prepare a system of rules to govern the two Houses in cases of conference, presented to the Senate April 15, 1789 (1st Cong., 1st sess.), submitting a resolution subsequently adopted by both Houses, of which Rule I, above recited, of the Joint Rules, is an exact copy.

The *Digest of Decisions and Precedents of the Senate and House of Representatives*, by Mr. Smith, was confined to their powers and privileges respecting members and officers, and to investigations, contempts, libels, contumacious witnesses, expulsions, writs of habeas corpus, etc., and did not touch the matter now under consideration.

The work of Mr. Johnson (*Decisions on Points of Order and Phraseology in the United States Senate and House of Representatives*), under the headings of “Conferences in the Senate” and “Conferences in the House,” in Part I, presents, it is supposed, all the important rulings and action of the respective Houses on this subject on pages 123–143 and 300–327; but, being a compilation of proceedings rather than a digest of decisions, no attempt was made to deduce any specific rules or propositions therefrom.

It will therefore be observed from the foregoing statement that among all the publications respecting the rules and practice of the Senate no one has been found which formulates from its proceedings and lays down concrete rules on the subject of conferences, and the inquirer is left to exercise his own judgment and discrimination as to what has actually been decided, and what, with the contrariety of rulings and decisions incident to all legislative assemblies, are the rules in force at the present time.

A complete digest of the rules and practice of the Senate, prepared by a competent parliamentarian, similar to that published in the Manual and Digest of the House, would seem to be desirable, and would prove advantageous to the Senate and its officers, as well as to those having occasion to study them. The want of such a publication has been sensibly felt in the preparation of this work, and has hindered its early completion.

From the matter presented in Mr. Johnson's compilation and from other available sources, an effort is now made, however, in the Manual herewith to cover the present practice of the Senate on this subject, omitting therefrom such rules and practice as appear to have become obsolete or to have been discarded.

The Parliamentary Precedents of the House of Representatives by Mr. Hinds, published by authority of [a joint resolution of Congress in 1898] (*an act of Congress in 1907*), treats exhaustively of the law and practice in regard to conferences [Chapter XXIII of the work covering 57 pages], Chapters CXXXI–CXXXVII, pages 602–810, sections 6163–6589, being devoted entirely to "Amendments between the Houses and Conferences." Each section [of the chapter] states a parliamentary proposition or rule and thereunder and in marginal notes are cited the various precedents therefor, consisting of decisions of Speakers, proceedings, and opinions of Speakers and chairmen given in response to parliamentary inquiries upon the various questions that have arisen in conference proceedings. This is the only work that has come to hand, with the exception of the Digest of the Rules and Practice of the House, and Jefferson's Manual, where specific conference rules have been laid down, and while the propositions presented and the precedents cited are mainly those of the House, and some of them appertain solely to that body under its rules and methods of procedure, the most of the rules may be considered as fundamental, applicable alike to all legislative bodies in the absence of specific rules, and are generally in accord with the practice of the Senate. They are therefore taken as a basis for the Manual appended, and the greater portion of them are set forth therein with the number of the section in parenthesis at the end of each rule. The precedents and proceedings cited are not included on account of their great volume, but they can be readily examined, if desired, by the references made. Some additional rules and references to Senate proceedings and decisions, and explanatory notes not found in Mr. Hinds's work, are inserted in their appropriate place, together with the standing rules of the Senate and House on conference reports, and the whole is submitted in the form of a Manual as required by the resolution of the Senate, with the hope that it may prove of some value however imperfect and inexhaustive of the subject it may be.

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MANUAL  
OF  
THE LAW AND PRACTICE IN REGARD TO CON-  
FERENCES AND CONFERENCE REPORTS,

Collated and prepared by THOMAS P. CLEAVES, clerk to the Committee on Appropriations, United States Senate, and reported to the Senate by Mr. ALLISON, first session Fifty-seventh Congress, under the following resolution of June 6, 1900:

*Resolved*, That the Committee on Appropriations cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports.

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NOTE.—The figures in parentheses at the end of rules refer to volumes and sections of Hinds' Parliamentary Precedents, House of Representatives, where decisions and proceedings may be found. The notes and references inserted are additional to those in the work, and not found therein.

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## CONFERENCES.

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1. Parliamentary law relating to conferences as stated in Jefferson's Manual, Section XLVI:

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. (3 Hats., 31; 1 Grey, 425.)

Conferences may either be simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference, but are not then to be answered. (4 Grey, 144.) The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. (3 Grey, 183.) They are meant chiefly to record the justification of each House to the nation at large and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. (3 Grey, 255.) At free conferences the managers discuss, *viva voce* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. (9 Grey, 220; 3 Hats., 280.) This report can not be amended or altered, as that of a committee may be. (Journal Senate, May 24, 1796.)

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting or adhering. (3 Hats., 269, 341.) In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "an adherence it never delivered at a free conference, which implies debate." (10 Grey, 137.)

And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more-parliamentary than to proceed with free conferences after adhering (3 Hats., 369), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (3 Hats., 251, 253, 260, 286, 291, 316, 349); of insisting (*ib.*, 280, 296, 299, 319, 322, 355); of adhering (269, 270, 283, 300), and even of a second or final adherence. (3 Hats., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber. (*Ib.*, 271, 317, 323, 354; 10 Grey, 146.)

After a free conference the usage is to proceed with free conferences and not to return again to a conference. (3 Hats., 270; 9 Grey, 229.)

After a conference denied a free conference may be asked. (1 Grey, 45.)

When a conference is asked the subject of it must be expressed or the conference not agreed to. (Ord. H. Com., 89; 1 Grey, 425; 7 Grey, 31.) They are sometimes asked to inquire concerning an offense or default of a member of the other House. (6 Grey, 181; 1 Chand., 204.) Or the failure of the other House to present to the King a bill passed by both Houses. (8 Grey, 302.) Or on information received and relating to the safety of the nation. (10 Grey, 171.) Or when the methods of Parliament are thought by the one House to have been departed from by the other a conference is asked to come to a right understanding thereon. (10 Grey, 148.) So when an unparliamentary message has been sent, instead of answering it, they ask a conference. (3 Grey, 155.) Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the house, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. But this is not the modern practice. (V. 6254.) (Senate Manual, 1901, p. 137; House Manual, 56th Cong., 2d sess., p. 207.)

#### CHARACTER OF CONFERENCES.

2. Conferences may either be simple or free. (Jefferson's Manual, Section XLVI.)

*Note.*—This rule and the definition and description of the two kinds of conferences are found in the foregoing section. Vice President Hamlin, in ruling upon a question of order in the Senate in the Thirty-eighth Congress, stated the rule and the distinction between free and simple conferences as follows:

“Conferences are of two characters, free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is simple—is that which confines the committee of conference to the specific instructions of the body appointing it.” (Thirty-eighth Congress, first session, Congressional Globe. Part I, p. 900.)

Speaker Reed, in his *Manual of General Parliamentary Law*, Chapter XV, section 242, states that “A free conference is one where the conferees meet and present not only the reasons of each House, but such arguments and reasons and persuasions as seem suitable to each member of the committee. Instead of being confined to reasons adopted by either House, each member may present his own. A conference may therefore be a free conference though each House may have instructed its members and limited them to the terms of the agreement. This method of conference is the only one known to our parliamentary law; at least, it is the only one now in practice. When two legislative bodies in this country have a conference, it is a free conference \* \* \* .”

#### REQUESTS FOR CONFERENCE.

3. The request for a conference must always be made by the House in possession of the papers. (V, 6254.) (Jefferson’s Manual, Sec. XLVI.)

4. The motion to ask for a conference comes properly after the motion to disagree, insist, or adhere. (V, 6254–6258.)

5. A conference may be asked before there has been a disagreement. (V, 6255.) (48th Cong., 1st sess., Sen. Jour., pp. 628, 642–643; Jefferson’s Manual, Sec. XLVI.)

6. After one House has adhered the other may recede or ask a conference, which may be granted by the other House. (V, 6303–6312.) (23d Cong., 1st sess., Sen. Jour., p. 112; Sen. Jour., vol. 2, pp. 70, 71; Sen. Jour., vol. 5, pp. 657, 661; Jefferson’s Manual, Sec. XLVI.)

7. The House may agree to a conference without reconsidering its vote to adhere. (V, 6243.)

8. Instances have occurred where one House has adhered at once and has even refused a conference. (V, 6241.)

*Note.*—In Section XLV, Jefferson’s Manual, it is stated that “Either House is free to pass over the term of insisting, and to adhere in the first instance, but it is not respectful to the other. In the

*ordinary parliamentary course there are two free conferences, at least, before an adherence."*

9. Where one House has voted at once to adhere, the other may insist and ask a conference; but the motion to recede has precedence. (V, 6245.)

10. One House may disagree to the amendments of the other, leaving it for the latter House to ask for the conference as soon as the vote of disagreement is passed. (V, 6254.)

11. The amending House may insist at once upon its amendments and ask for a conference. (V, 6293–6302.) (48th Cong., 1st sess., Sen. Jour., pp. 628, 642, 643; Cong. Rec., pp. 3974, 4098.)

12. The request of the other House for a conference may be referred to a committee. (19th Cong., 1st sess., Sen. Jour., p. 302; 49th Cong., 1st sess., H. Jour., pp. 2292, 2293; Cong. Rec., p. 7332.)

13. Where a conference committee is unable to agree, or where a report is disagreed to, another conference is usually asked for and agreed to. (V, 6288–6292.)

14. Before the stage of disagreement has been reached the request of the other House for a conference gives the bill no privilege over the other business of the House. (IV, 3090; V, 6301, 6302.)

15. The conference on a disagreement as to Senate amendments to a House bill having failed, the Senate reconsidered its action in amending and passing the bill, passed it with a new amendment, and asked a new conference. (V, 6292.) (55th Cong., 3d sess., Cong. Rec., pp. 317, 439, 628, 631, 2303, 2360, 2362, 2770.)

16. The motion to insist and ask a conference has precedence of the motion to instruct conferees. (V, 6379–6382.)

#### CONFEREES.

##### Appointment of conferees.

17. Statement of principles governing the selection of conferees on the part of the House (V, 6336–6340, 6370, 6371, 6529), namely:

*Note.—These principles and provisions are also applicable to the Senate and in harmony with its practice.*

The House members of conference committees, called the managers on the part of the House, are appointed by the Speaker.

*Note.—The Senate members of conference committees, called the managers on the part of the Senate, are appointed by the Presiding Officer, by unanimous consent, under the custom of the Senate. Rule XXIV, clause 1, provides that all committees of the Senate shall be appointed by ballot unless otherwise ordered.*

They are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and also, care is taken that there shall be a representation of the two opinions which



almost always exist on subjects of importance. Of course, the majority party and the prevailing opinion have the majority of the managers. \* \* \*

It is also almost the invariable practice to select managers from the members of the committee which considered the bill. \* \* \* But sometimes in order to give representation to a strong or prevailing sentiment in the House, the Speaker goes outside the ranks of the committee. \* \* \*

The managers of the two Houses, while in conference, vote separately, the majority determining the attitude to be taken toward the propositions of the other House. When the report is made, the signatures of a majority of each board of managers are sufficient.

The minority managers frequently refrain from signing the report, and it is not unprecedented for a minority manager to indorse his protest on the report.

18. When conferees have disagreed or a conference report has been rejected, the usual practice is to reappoint the managers, although it seems to have been otherwise in former years. (V, 6323, 6341-6345, 6351, 6324, 6288-6291, 6352-6368, 6396.)

(*Vacancies on conference committees, appointments to fill.* V, 6372-6378.)

19. Conferees having been appointed, it is too late to reconsider the vote whereby the House has disagreed to a Senate amendment. (Hinds' Precedents, 1898-1205.)

#### Discharge of conferees.

20. While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (V, 6526.)

*Note.*—*Similar action was taken by the Senate under like circumstances in the Forty-second Congress (42d Cong., 2d sess., Sen. Jour., p. 1028).*

#### Instructions to conferees.

21. It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed. (V, 6379-6385, 6388, 6525.) (38th Cong., 2d sess., Sen. Jour., p. 268; 39th Cong., 1st sess., Sen. Jour., pp. 782, 784; 40th Cong., 2d sess., Sen. Jour., p. 119.)

22. It is not the practice to instruct conferees before they have met and disagreed. (V, 6388.)

23. It is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. (V, 6386-6388.)

24. The House having asked for a free conference, it is not in order to instruct the conferees. (V, 6384.)

25. The motion to instruct conferees is amendable. (1390.) (40th Cong., 2d sess., Sen. Jour., p. 119.)

26. A conference report may be received although it may be in violation of instructions given to the conferees. (V, 6395.)

#### CONFERENCE COMMITTEES AND REPORTS.

##### Authority of conference committees.

27. A conference committee is practically two distinct committees, each of which acts by a majority. (V, 6336.)

28. Conference reports must be signed by a majority of the managers on the part of each House. They are made in duplicate for the managers to present to their respective Houses, the signatures of the managers of each House appearing first on the report that is to be presented to the House they represent. (V, 6323, 6489-6498, 6538, 6568, 6569.)

*Note.*—See form of conference report appended.

29. Conferees may not include in their report matters not committed to them by either House. (V, 6407-6419, 6421-6423, 6425, 6437-6439.)

In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.)

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

*Note.*—In the Fifty-fifth Congress, first session, Vice President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., Sen. Jour., pp. 171, 172; Cong. Rec., pp. 2780-2787.) See also Cong. Rec., p. 2827, 56th Cong., 2d sess., when the Presiding Officer (Mr. Lodge in the chair) referred with approval to the foregoing decision of Vice President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (56th Cong., 2d sess., Cong. Rec., pp. 2826-2883.)

30. Conferees may not strike out in conference anything in a bill agreed to and passed by both Houses. (V, 6417, 6418.) (Jefferson's Manual, Sec. XLV.)

31. Conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference. (V, 6421-6423, 6425.)

32. A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. (V, 6421-6423.)

33. A conference committee may report agreement as to some of the matters of difference, but inability to agree as to others. (V, 6460-6464.) (29th Cong., 1st sess., Sen. Jour., pp. 523-524.)

34. In drafting a conference report care should be taken in stating the action of the conferees on amendments to observe the parliamentary rule that neither House can recede from or insist on its own amendment with an amendment; and in case pages and lines of the bill or amendments are referred to in the report, the engrossed bill and amendments only should be used.

#### Presentation and privilege of conference reports.

35. A conference report is made first to the House agreeing to the conference.

*Note.*—This rule seems to follow from the principle laid down by Jefferson (*Manual, Sec. XLVI*), that “in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other,” thus putting the agreeing House in possession of the papers, and has been the usual practice in Congress.

36. Conference reports are in order in the Senate under Rule XXVII, as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceedings to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

*Note.*—It has been held in the Senate that the presentation of a conference report includes its reading, unless by unanimous consent the reading is dispensed with. (54th Cong., 1st sess., Sen. Jour., p. 334, Cong. Rec., p. 5511.)

37. Conference reports are in order in the House under Rule XXIX, as follows:

The presentation of reports of committees of conference shall always be in order except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

And there shall accompany any such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions shall have upon the measures to which they relate.

*Note.*—*This detailed statement is not required by the rules of the Senate, but the result of the conference is usually stated orally by the chairman of the Senate conferees.*

38. A conference report may not be received by the House if no statement accompanies it. (V, 6507–6510.)

39. Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule (XXIX) is a question for the House, and not for the Speaker, to determine. (V, 6511, 6512.)

40. A conference report may be presented after a motion to adjourn has been made or when a member is occupying the floor for debate, but the report need not be disposed of before the motion to adjourn is put. (V, 6448, 6451–6453.)

41. A conference report is in order pending a demand for the previous question. (V, 6450.)

*Note.*—*In the Senate the previous question is not in use.*

42. A conference report has been given precedence over a question of privilege. (Hinds' Precedents, 1898, 1397.)

43. A conference report may be presented during the time set apart for a special order for the consideration of another measure. (V, 6454.)

44. A conference report may be presented after a vote by tellers and pending the question on ordering the yeas and nays. (V, 6447.)

45. A conference report has precedence of the question on the reference of a bill, even though the yeas and nays have been ordered. (V, 6457.)

46. The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for a recess. (V, 6524.)

47. The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. (V, 6523.) (55th Cong., 3d sess., Cong. Rec., p. 2927.)

**Rejection of conference reports, effect of, etc.**

48. A bill and amendments having been once sent to conference, do not, upon the rejection of the conference report, return to their former state so that the amendments may be sent to the Committee of the Whole. (V, 6311, 6416, 6479, 6559–6561.)

49. The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. (V, 6525.)

50. When a conference report is ruled out on a point of order in the House it is equivalent to a negative vote on the report, and the Senate is informed by message that the House has "disagreed" to the report. (V, 6409–6413, 6419.)

**Amendment of conference reports.**

51. It is not in order to amend a conference report, and it must be accepted or rejected as an entirety. (V, 6534–6544.) (Jefferson's Manual, Sec. XLVI, 4th Cong., 1st sess., Sen. Jour., p. 270.)

*Note.*—*Various instances are found where conference reports agreed to by both Houses were amended and corrected by concurrent resolution or order.* (43d Cong., 2d sess., Sen. Jour., pp. 372, 373, Ho. Jour., p. 610; Cong. Rec., p. 1990; 44th Cong., 1st sess., Sen. Jour., pp. 581, 708, Ho. Jour., pp. 1087, 1252; 48th Cong., 1st sess., Sen. Jour., p. 859.)

**Reference and recommitment of conference reports.**

52. A conference report may not be referred to a standing committee. [V, 6558.]

53. A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (V. 6311, 6416, 6479, 6559–6561.)

54. It is not in order in the House to recommit a conference report to the committee of conference (*if the conference report has been adopted by the other House*). (V, 6551–6553.)

[NOTE.—This rule is founded upon the decision of Speaker Carlisle (49th Cong., 2d sess., Cong. Rec., p. 880), which has been affirmed by subsequent Speakers, but prior to that time many instances had occurred of recommitting conference reports to the committee of conference.]

55. It is in order in the Senate to recommit a conference report to the committee of conference, but not with instructions, according to the later decisions. (42d Cong., 3d sess., Sen. Jour., pp. 313, 554–557; 43d Cong., 1st sess., Sen. Jour., p. 865; 44th Cong., 1st sess., Sen. Jour., p. 211; 49th Cong., 2d sess., Sen. Jour., p. 151; 55th Cong., 3d sess., Cong. Rec., pp. 2823, 2842–2843.)

[NOTE.—Inasmuch as concurrent action is necessary for the recommitment of a conference report, the foregoing rule of the House has necessitated a change in the practice, and no effort has been made by the Senate in late years to recommit a conference report. The purpose of a recommitment can be attained, however, by a rejection of the report, when another conference would be ordered, and in accordance with usage the same conferees would be appointed.]

**Tabling of conference reports.**

56. The House has formally discarded the old practice of allowing conference reports to be laid on the table. (V, 6538–6544.)

[NOTE.—The effect of the motion to lay on the table in the House defeats the proposition. It is never taken up again. Hence a conference report can not be laid on the table; otherwise a conference

report might be put beyond the reach of either House. (Reed's Parliamentary Rules, Chap. VIII, sec. 115.)]

57. The Senate practice allows conference reports to be laid on the table. (43d Cong., 2d sess., Sen. Jour., p. 433; Cong. Rec., pp. 2205-2206.)

*Note.*—*The effect of the motion to lay on the table in the Senate, unlike that in the House, is simply to suspend the consideration of a question during the pleasure of the Senate, which can be again taken up on motion.*

58. A motion to reconsider the vote on agreeing to a conference report may be laid on the table in the Senate without carrying the report. (44th Cong., 1st sess., Sen. Jour., p. 234; Cong. Rec., p. 1253, 1254; Senate Manual (1901), Rule XIII, clause 1, p. 13.)

59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent.

#### Withdrawal of conference reports.

*Note.*—*In the 32d Congress, a conference report having been agreed to in the Senate, the vote was reconsidered, the bill returned from the House on request of the Senate, and the committee of conference had leave to withdraw its report. (32d Cong., 2d sess., Sen. Jour., p. 420.)*

#### FORM OF CONFERENCE REPORT.

— Congress, — session. H. R. [or S., as may be] No. —

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate [or House, as may be] to the bill [or resolution, as may be] (H. R. [or S., as may be] —), [title here] having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate [or House, as may be] recede from its amendments numbered \* \* \*

That the House [or Senate, as may be] recede from its disagreement to the amendments of the Senate [or House, as may be] numbered \* \* \* and agreed to the same.

Amendment numbered —:

That the House [or Senate, as may be] recede from its disagreement to the amendment of the Senate [or House, as may be] numbered —, and agree to the same with an amendment, as follows: \* \* \* ; and the Senate [or House, as may be] agree to the same.

Amendment numbered —:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the

amendment of the Senate [or House, as may be] numbered —, and agree to the same.

Amendment numbered —:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the amendment of the Senate [or House, as may be] numbered —, and agree to the same, with an amendment, as follows: \* \* \* ; and the House [or Senate, as may be] agree to the same.

Amendments numbered —:

On the amendments of the Senate [or House, as may be] numbered — the committee of conference have been unable to agree.

(Signatures here.)

\_\_\_\_\_,

\_\_\_\_\_,

\_\_\_\_\_,

*Managers on the part of the* —.

(Signatures here.)

\_\_\_\_\_,

\_\_\_\_\_,

\_\_\_\_\_,

*Managers on the part of the* —.

**FORM OF STATEMENT TO ACCOMPANY A CONFERENCE REPORT  
REQUIRED BY HOUSE RULE XXIX.**

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate [or House, as may be] to the bill [or resolution] [number and title here] submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely—

\* \* \* \* \*

(Signatures here.)

\_\_\_\_\_,

\_\_\_\_\_,

\_\_\_\_\_,

*Managers on the part of the House.*

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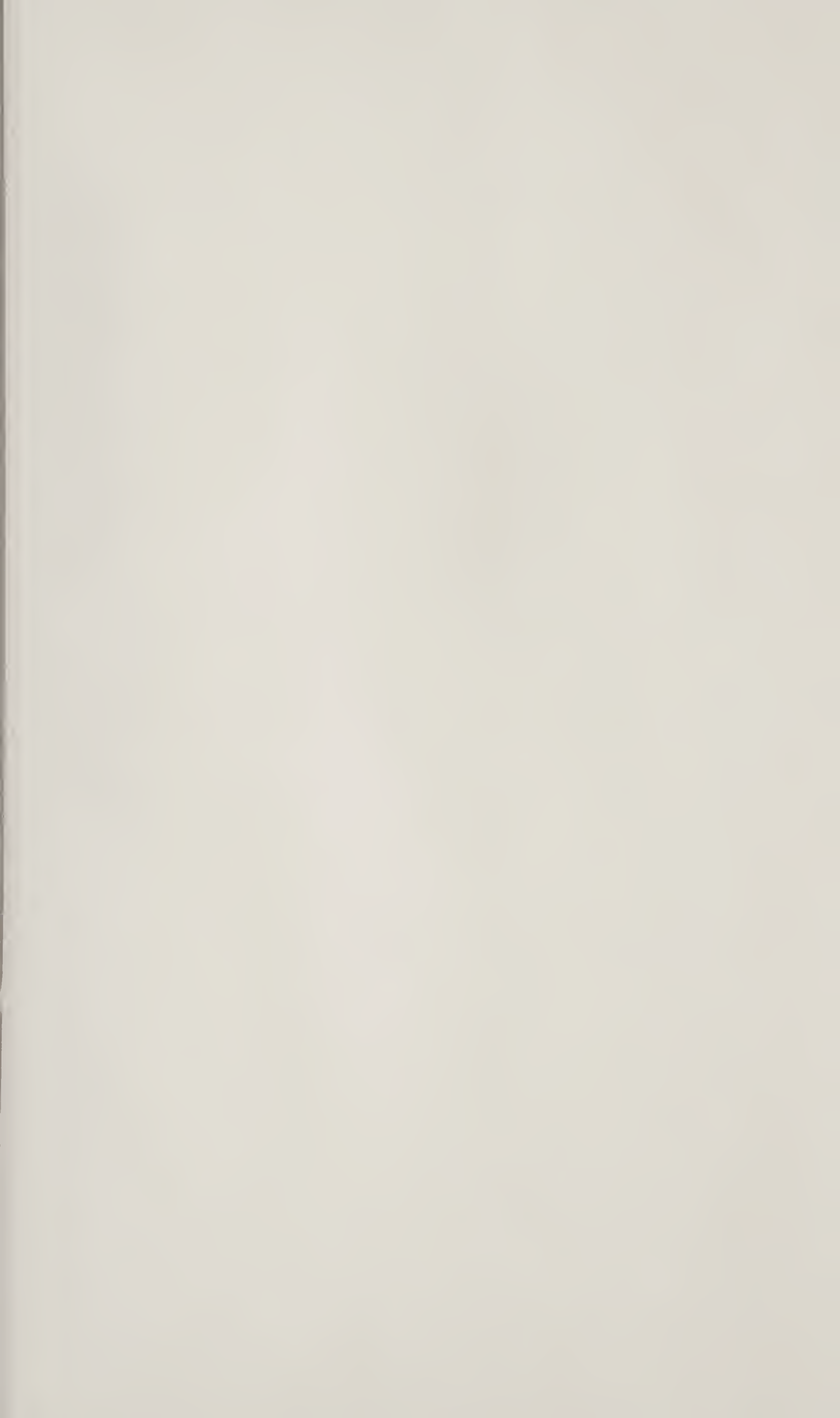
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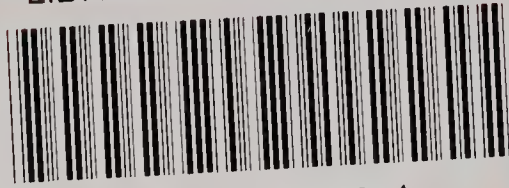




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